

CASE NBR: [90107296] EOM

STATUS: [PENDING CONFERENCE]

SHORT TITLE: [Demos, In Re John R.]

VERSUS []

DATE DOCKETED: [030491]

PAGE: [01]

-----DATE-----NOTE-----PROCEEDINGS & ORDERS-----

1	Mar 4 1991	R	Petition for writ of mandamus and motion for leave to proceed in forma pauperis filed.
6	Mar 4 1991	D	Motion of petitioner for leave to proceed in forma pauperis filed.
3	Apr 4 1991		DISTRIBUTED. April 19, 1991
5	Apr 22 1991		REDISTRIBUTED. April 26, 1991
7	Apr 29 1991		Motion of petitioner for leave to proceed in forma pauperis DENIED. Petitioner is allowed until May 20, 1991, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. Dissenting opinion by Justice Marshall with whom Justice Blackmun and Justice Stevens join.

*** Related Case - Use VIDE,LS with SE ***

Command:[

]

EDITOR'S NOTE:

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AT THE TIME OF FILMING. IF AND WHEN A
BETTER COPY CAN BE OBTAINED, A NEW FICHE
WILL BE ISSUED.

90-7296

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

JOHN ROBERT DEMOS JR.,

(PETITIONER)

VS.

THE UNITED STATES COURT OF APPEALS,

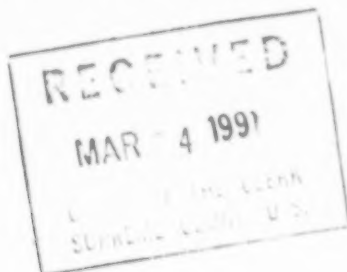
(RESPONDENT)

MOTION FOR LEAVE TO PROCEED IN FORMA-PAUPERIS

THE PETITIONER, JOHN ROBERT DEMOS JR., ASKS LEAVE TO FILE THE ATTACHED PETITION FOR A WRIT OF MANDAMUS, WITHOUT PRE-PAYMENT OF COSTS AND TO PROCEED IN FORMA-PAUPERIS.

PETITIONER HAS PREVIOUSLY BEEN GRANTED LEAVE TO SO PROCEED IN THE 9th CIRCUIT COURT OF APPEALS AND THE U.S. DISTRICT COURT OF SPOKANE, WASHINGTON.

PETITIONER'S AFFADAVIT IN SUPPORT OF THIS MOTION IS ATTACHED HERETO.....



/s/ JOHN ROBERT DEMOS JR.

AFFADAVIT IN SUPPORT OF A MOTION FOR LEAVE TO PROCEED IN FORMA-PAUPERIS

I, JOHN ROBERT DEMOS JR, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM THE PETITIONER IN THE ABOVE ENTITLED CASE, THAT IN SUPPORT OF MY MOTION FOR LEAVE TO PROCEED IN FORMA-PAUPERIS, I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF THIS CASE OR TO GIVE SECURITY THEREFOR; AND THAT I BELIEVE I AM ENTITLED TO REDRESS.....

I FURTHER SWEAR THAT THE RESPONSES WHICH I HAVE MADE TO THE QUESTIONS AND INSTRUCTIONS BELOW RELATING TO MY ABILITY TO PAY THE COST OF PROCEEDING IN THIS COURT ARE TRUE.

1. ARE YOU PRESENTLY EMPLOYED? NO. LAST EMPLOYED IN JANUARY OF 1978, I EARNED \$375.00
2. HAVE YOU RECIEVED WITHIN THE PAST (12) MONTHS ANY INCOME FROM A BUSINESS, PROFESSION, OR OTHER FORM OF SELF-EMPLOYMENT, OR IN THE FORM OF RENT PAYMENTS, INTREST, DIVIDENDS OR OTHER SOURCES???? NO.
3. DO YOU OWN ANY CASH OR CHECKING OR SAVINGS ACCOUNT???? NO.
4. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES, AUTOMOEILES, OR OTHER VALUABLE PROPERTY (EXCLUDING ORDINARY HOUSEHOLD FURNISHINGS AND CLOTHING)??? NO.
5. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND STATE YOUR RELATIONSHIP TO THOSE PERSONS....

I UNDERSTAND THAT A FALSE STATEMENT OR ANSWER TO ANY QUESTION IN THIS AFFADAVIT WILL SUEJECT ME TO PENALTIES FOR PERJURY.....

John R. Demos

JOHN ROBERT DEMOS JR

NOTARY

Judy A. Wick

DATED: THIS 25, DAY OF Feb, 1991



QUESTIONS PRESENTED HEREIN

1. CAN THE LOWER FEDERAL COURTS IMPOSE A HARSHER SENTENCE, OR JUDGEMENT THAN THE U.S. CONGRESS INTENDED, WHEN THE "INTENT" OF CONGRESS IS "MUDDLED", VAGUE, AND SOMEWHAT UNCLEAR????? 1915 (d) NOT CLEARLY DEFINED BY CONGRESS;
2. 28 U.S.C. 1915 (d); CONFLICTS WITH 28 U.S.C. 12 (b) (6);
3. COPPEDGE VS. U.S. 369 U.S. 438 "CONFLICTS" WITH THE ORDER OF THE 9th CIRCUIT ENTERED IN DEMOS VS. UNITED STATES DISTRICT COURT (CASE NO. 90-80100);
4. BRANDON VS. DISTRICT OF COLUMBIA BOARD OF PAROLE, 734 F. 2D 56; CONFLICTS WITH DEMOS VS. U.S.D.C. (CASE NO. 90-80100);
5. CHESSMAN VS. TEETS, 354 U.S. 156 "CONFLICTS" WITH, DEMOS VS. U.S.D.C. (CASE NO. 90-80100);
6. SILLS VS. BUREAU OF PRISONS, 761 F. 2D 792 "CONFLICTS" WITH DEMOS VS. U.S.D.C. CASE NO. 90-80100;
7. BROWER VS. INYO COUNTY, 103 L. ED 2D 628; CONFLICTS WITH DEMOS VS. U.S.D.C. CASE NO. 90-80100);
8. ISSUES IN A SUIT, ARE NOT TO BE CONSTRUED IN THE SAME LIGHT AS ISSUES IN A WRIT?
9. WAS DEMOS GIVEN ADEQUATE RECORDS, AND PAPERS TO CONTEST THE NOTICE OF INJUNCTION IN & BAR ORDER ISSUED IN DEMOS VS. KINCHELOE, 563 F. SUPP. 30; ???
10. WAS THE U.S. DISTRICT COURT ORDER IN DEMOS VS. KINCHELOE, 563 F. SUPP. 30; "OVERBROAD"???
11. IS 28 U.S.C. 1651 (a) THE LAW OF THE COURTS?????
12. MUST THE LOWER COURTS CREATE AN ADEQUATE REVORD OF REVIEW?
13. DID JUDGE ROBERT J. McNICHOLS "ABUSE HIS DISCRETION" IN DEMOS VS. KINCHELOE, 563 F. SUPP. 30;?(WOOD VS. SANTA BARBARA CHAMBER OF COMMERCE, 705 F. 2D 1515;)
15. SHOULD DEMOS BE ALLOWED THE OPPORTUNITY TO OPPOSE THE "ORDER" ENTERED IN DEMOS VS KINCHELOE, 563 F. SUPP. 30; (MARTIN-TRIGONA VS. LAVIEN, 737 F. 2D 1254;);
16. SHOULD THE ORDER OF INJUNCTION ISSUED IN DEMOS VS. ~~McNICHOLS~~ KINCHELOE, 563 F. SUPP. 30; HAVE INCLUDED A LISTING OF ALL CASES, AND MOTIONS THAT LED TO THE COURT'S ORDER? WOOD, 705 F. 2D 1523;

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IN RE POWELL, 851 F. 2D 427;

WOOD VS. SANTA BARBARA, 705 F. 2D 1523;

MOY VS. U.S. 906 F. 2D 467;

~~IN RE OLIVER, 682 F. 2D 443;~~ IN RE: OLIVER, 682 F. 2D 443;

28 U.S.C. 1651 (A);

DeLONG VS. HENNESSEY, 912 F. 2D 1144;

VISSER VS. SUPREME COURT, (9th CIRCUIT CASE NO. 90-70561);

IN RE: McDONALD, 489 U.S. 180;

NEITZKE VS. WILLIAMS, 104 L. ED 2D 338;

STATUTES INVOKED

62 STATUTE 828, 928;

28 U.S.C. 1254 THRU 1258;

THE ACTS OF CONGRESS;

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OTHER GROUNDS FOR REVIEW & OFFERS OF AUTHORITY

THE RULES OF JUDICIAL CONDUCT;

THE ADMINISTRATIVE OFFICE OF THE COURTS RULES & PRESCRIBED PROCEDURES;

"CONFLICT OF LAW" & EXTRAORDINARY CIRCUMSTANCES!

BLACK'S LAW DICTIONARY;

THE UNITED STATES CODE ANNOTATED;

THE BILL OF RIGHTS;

THE FEDERALIST PAPERS;

RULES OF THE UNITED STATES SUPREME COURT;

THE JUDICIAL CONDUCT & DISABILITIES ACT;

THE ALL WRITS ACT OF 28 U.S.C. 1361;

90-7296

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
FEBRUARY TERM, 1991

JOHN ROBERT DEMOS JR,
(PETITIONER)

VS.

THE 9th CIRCUIT COURT OF APPEALS,
(RESPONDENT)

PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES COURT
OF APPEALS IN AND FOR THE 9th CIRCUIT

PETITION FOR WRIT OF MANDAMUS

JOHN ROBERT DEMOS JR
WASHINGTON STATE REFORMATORY
1 PARK PLACE
P.O. BOX 777
MONROE, WASHINGTON.
(98272)

NO. _____

IN THE SUPREME COURT
OF THE
UNITED STATES OF AMERICA

FEBRUARY TERM, 1991

JOHN ROBERT DEMOS JR.,
(PETITIONER)

VS.

THE NINTH CIRCUIT COURT OF APPEALS,

(RESPONDENT)

PETITION FOR WRIT OF MANDAMUS TO THE 9th CIRCUIT
COURT OF APPEALS

(1). PRAYER OF THE PETITIONER

THAT THE UNITED STATES GRANT PETITIONER/AFFIANT THIS WRIT OF MANDAMUS TO PREVENT A
MANIFEST INJUSTICE, AND A GREAT, AND GRAVE WORKING OF PARAMOUNT, AND SUPREME INJUSTICE.
PETITIONER DEMOS HAS "NO OTHER" AFFORDABLE REMEDY...

I REALIZE FULLY, AND COMPLETELY THAT THE UNITED STATES SUPREME COURT ONLY GRANTS THE WRIT OF
MANDAMUS IN "UNIQUE", AND SPECIAL CIRCUMSTANCES, HOWEVER, PETITIONER DEMOS KEYNOTES THE
INSTANT CASE AS BEING ONE WORTHY OF THE HIGHEST COURT IN THE LAND'S SPECIAL, AND UNDIVIDED
ATTENTION....

(11). OPINION BELOW

THE OPINION OF THE 9th CIRCUIT WAS ENTERED ON FEBRUARY 7th, 1991;

THE ORDER WAS SIGNED BY NO ONE (ORDERS TO BE LEGAL MUST BE SIGNED).

IN THE COURT'S ORDER (7) OF PETITIONER'S WRIT'S OF MANDAMUS WERE "DISMISSED"...

THE COURTS ORDER (THE 9th CIRCUIT) ALSO, EXPRESSLY FORBADE PETITIONER DEMOS TO EVER
FILE ANY "WRITS" INTO THEIR COURT AGAIN...

THIS WRIT OF MANDAMUS PERTAINS TO THE FOLLOWING 9th CIRCUIT CASES ENTERED ON 2/7/91;

40 90-80100; 90-80318; 90-80322; 90-80323; 90-80337; 90-80343; 7 90-80344;

1

(111). JURISDICTION OF THE COURT

28 U.S.C. 1251 THRU 1258;

ARTICLE 111 OF THE UNITED STATES CONSTITUTION;

64 STATUTE 828, & 928;

THE BILL OF RIGHTS;

THE ACTS OF CONGRESS;

(1V). CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

THE 14th AMMENDMENT OF THE UNITED STATES CONSTITUTION;
THE 13th AMMENDMENT OF THE UNITED STATES CONSTITUTION;
THE 8th AMMENDMENT OF THE UNITED STATES CONSTITUTION;
THE 1st AMMENDMENT OF THE UNITED STATES CONSTITUTION;
THE 5th AMMENDMENT OF THE UNITED STATES CONSTITUTION;

(V)., STATEMENT OF THE CASE

PETITIONER, JOHN ROBERT DEMOS JR, CONTENDS THAT;

THIS WRIT SHOULD ISSUE DUE TO A BIAS ON THE PART OF THE 9th CIRCUIT, AND THAT THE U.S. SUPREME COURT SHOULD GIVE SERIOUS CONSIDERATION TO ALLOWING THE PETITIONER TO SUBMIT A "MOTION FOR PEREMPTORY DISQUALIFICATION DUE TO PREJUDICE & BIAS"

ON FEBRUARY 7th, 1991 THE NINTH CIRCUIT COURT OF APPEALS ENTERED AN ORDER "DISMISSING" ALL (7) OF PETITIONER DEMOS' WRIT'S OF MANDAMUS, AND ORDERING IN THE PROCESS THAT DEMOS BE FOREVER BARRED FROM FILING WRITS OF ANY KIND INTO THEIR COURT...

DEMOS THE PETITIONER CONTENDS THAT THE "ORDER" WAS UNCONSTITUTIONALLY OVERBROAD, AND EXUDEED TO MUCH LATITUDE, AND LONGITUDE....

THE 9th CIRCUIT HAS CLEARLY IN ONE FELL SWOOP, CONFUSED, MISREAD, AND ABROGATED AN "ACT OF CONGRESS", AN ACT THAT IS IN ITSELF "UNCONSTITUTIONALLY VAGUE"...

STATEMENT OF THE CASE/PART. 11

DEMOS CONTENDS THAT THE HON. ROBERT J. McNICHOLS DID NOT FOLLOW LAWFUL PROCEDURE IN DISMISSING MY CASE IN 563 F. SUPP. 30; AND THAT HIS ORDER "CONFLICTS" WITH THE STANDARD PRACTICE, AND OPERATIONAL PROCEDURE, NOT TO MENTION "STARE DECICIS OF THE UNITED STATES SUPREME COURT IN CASES OF SIMILAR MAGNITUDE, AND NOTIRIETY....

DEMOS CONTENDS THAT HE SHOULD HAVE BEEN ALLOWED A "DETAILED", AND ADEQUATELY BASED CHANCE TO "OPPOSE" THE ORDER OF THE U.S.D.C. OF SPOKANE, WASHINGTON "BEFORE" IT WAS ENTERED (ENTERED), THE "OMISSION" CANNOT BE CORRECTED, AS IT IS "AFTER THE FACT".... MARTIN-TRIGONA VS. LAVIEN, 737 F. 2D 1254;

DEMOS CONTENDS THAT THE BAR ORDER/INJUNCTION WAS "DEFECTIVE" THAT JUDGE McNICHOLS ENTERED IN CASE NO. 563 F. SUPP. 30, SIMPLY BECAUSE NO MOTIONS, OR CASES WERE ALLUDED TO, OR PAPERS WERE PRODUCED, OR ADEQUATE RECORDS PROVIDED DEMOS, SO THAT HE COULD "CONTEST" THE ORDER BEFORE IT WAS "IMPOSED", WOOD VS. SANTA BARBARA CHAMBER OF COMMERCE, 705 F. 2D 1515;

DEMOS CONTENDS THAT HAD HE BEEN GIVEN "ADEQUATE" AND SUFFICIENT NOTICE BEFORE THE "FINALY VERDICT OF THE U.S. DISTRICT COURT WAS METED OUT AND HANDED DOWN, THE OUTCOME OF THE CASE WOULD HAVE BEEN VASTLY DIFFERENT, AND THE COURT WOULD NOT HAVE BEEN AT LIBERTY TO IMPOSE IT'S BAR ORDER TYPE INJUNCTION.....

"TIME IS NO LIMIT" TO CHALLENGE, AND CONTEST AN UNCONSTITUTIONAL ORDER OF THE LOWER FEDERAL COURTS....

STATEMENT OF THE CASE/PART. 111

DEMOS CONTENTS THAT THE U.S.D.C. OF SPOKANE, WASHINGTON IGNORED THE IMPOSITION, AND CAUTION ISSUED IN 28 U.S.C. 1651 (A), AND IS GUILTY OF "OVERREACH"...
KINCHELOE
FURTHER THE "ORDER" HANDED DOWN IN DEMOS VS. KINCHELOE, 563 F. SUPP. 30 CONCERNS A 1983 CIVIL RIGHTS SUIT, HOWEVER, THE ORDER HANDED DOWN IN DeLONG VS. HENNESSEY, 912 F. 2D 1144; CONCERNS A WRIT; (THERE IS A DIFFERENCE);
FURTHER, PETITIONER DEMOS CONTENTS FOR THE RECORD THAT DELONG IN DELONG VS. HENNESSEY, 912 F. 2D 1144; MR. DELONG FILED A WRIT "WHILE NO LONGER IN CUSTODY", HOWEVER, IN MR. DEMOS' CASE OF DEMOS VS. KINCHELOE, 563 F. SUPP. 30; DEMOS FILED A 1983 CIVIL RIGHTS SUIT "WHILE IN CUSTODY"... (THERE IS A DIFFERENCE), AND THUS, DIFFERENT LAW MUST BE EQUATED, AND APPLIED.

INJUNCTIONS, AND BAR ORDERS ARE FROWNED UPON BY THE HIGHER COURTS, AND SHOULD VERY MUCH BE THE OBJECTION TO THE GENERAL RULE, IN RE POWELL, 851 F. 2D 427;
CLEARLY THE LOWER FEDERAL COURTS HAVE "CONFUSED" THE OBJECTIVES OF THE (2) SEPERATE STATUTES, IN THAT WRIT STATUTES, ARE NOT THE SAME AS 1983 CIVIL RIGHTS SUIT STATUTES, THEY HAVE DIFFERENT OBJECTIVES, AND GOALS.
FOR THE 9th CIRCUIT TO USE A 1983 CIVIL RIGHTS STATUTE TO ENFORCE A WRIT OF MANDAMUS STATUTE IS ERROR OF THE FIRST MAGNITUDE....
THE UNITED STATES SUPREME COURT HAS A DUTY TO INTERVENE AND CLARIFY THIS TRULY "MUDDLED", AND MURKY PICTURE:

(VI). REASONS FOR GRANTING THE WRIT

- A: THERE IS A "CONFLICT" OF LAW;
- B: THE ORDER OF THE 9th CIRCUIT FAILS TO ADEQUATELY DIFFERENTIATE THE DISTINCTIONS, AND FINE LINE OF AUTHORITY BETWEEN THE ROBUST LAW AND STATUTE OF THE GREAT WRIT, AND THE MORE RELAXED AND LACASADASICAL LAW & STATUTE OF THE 1983 CIVIL RIGHTS ACTION.
- C: THE ORDER OF THE 9th CIRCUIT PENALIZES PETITIONER DEMOS FOR "FUTURE" FILINGS, AND FAILS TO TAKE INTO CONSIDERATION "INDIVIDUALIZED, CASE BY CASE SUBMISSIONS OF HIS "FUTURE" WRIT PETITIONS (PETITIONS), AND WRIT REQUESTS....
- D: DEMOS CONTENDS THAT THE GREAT WRIT STATUTE/28 U.S.C. 1361 IS A PARAMOUNT AND DELUXE STATUTE, AND IS MUCH MORE ANCIENT THAN THE 1933 CIVIL RIGHTS STATUTE, AND THAT ONE'S RIGHTS UNDER 28 U.S.C. 1361 IS MUCH MORE HIGHLY VALUED, CHERISHED, AND ESTEEMED BY THE COURTS THAN IS THE RIGHTS PREDICATED UPON 28 U.S.C. 1915 (d), & 42 U.S.C. 1983; THE 9th CIRCUIT NEVER IN IT'S ORDER STATED THE SPECIFICITIES OF IT'S ORDER, NOR DID IT ALLEGE WHY I WOULD NOT BE ALLOWED TO FILE ANY MORE WRITS, BUT WOULD NOT BE PREVENTED FROM FILING MOTIONS.
- DEMOS CONTENDS THAT HEARING MOTIONS TAKE UP JUST AS MUCH OF THE COURT'S TIME AS HEARING WRITS, THERE IS NO DIFFERENCE, THUS, THE COURT WAS OUT OF SYNC TO PRECLUDE ME FROM FILING WRITS, AND "NOT" IN THE SAME BREATH PRECLUDE ME FROM FILING "MOTIONS". PETITIONER DEMOS PLEADS THAT EVERY ORDER OF THE 9th CIRCUIT MUST BE FIRMLY ROOTED IN, AND LODGED STURDILY IN "CONFORMITY", AND "CONSISTENCY" OF LAW....
- DEMOS CONTENDS THAT THE ORDER OF THE 9th CIRCUIT CREATES MORE PROBLEMS THAN IT SOLVES, NOT THE OTHER WAY AROUND, AS LAW SHOULD STRIVE TO SOLVE MORE PROBLEMS THAN IT CREATES....

REASONS FOR GRANTING THE WRIT/PART. 11

E: THE 9th CIRCUIT ORDER DENYING DEMOS THE RIGHT TO "EVER" FILE ANY WRITS OF ANY TYPE INTO IT'S COURT AGAIN, IS A CLEAR ABUSE OF "DISCRETION", AND AN ABUSE OF AUTHORITY.

F: 9th CIRCUIT CASE NO'S 90-80100; 90-80318; 90-80322; 90-80323; 90-80337; 90-80343; & 90-80344 ARE ALL "UNCONSTITUTIONAL", IN THAT THE ORDERS ARE UNCONSTITUTIONALLY "VAGUE", GENERALIZED, AND "BROAD".....

G: PETITIONER DEMOS HAS NO OTHER REMEDY AT HIS DISPOSAL SAVE THIS WRIT OF MANDAMUS/COMPELLA.

REASONS FOR GRANTING THE WRIT/PART. 111

H: TIME IS NO BAR TO CHALLENGING THE CONSTITUTIONALITY OF AN ACT OF COURT....

I: THE 9th CIRCUIT ERRED IN IT'S JUDICIAL POSITION, AND STANCE, THE ORDER STATED ALL OF THE "RIGHT" THINGS, BUT CLEARLY, FOR ALL OF THE "WRONG REASONS"....

J: THE ORDER OF THE 9th CIRCUIT ENTERED ON 2/7/91 CREATES A CONFLICT WITH THE 8th, 14th, & 1st AMENDMENTS OF THE UNITED STATES CONSTITUTION....

K: THE 9th CIRCUIT HAS BY IMPLICATION SOUGHT TO "REPEAL" AN ACT OF CONGRESS BY IMPLICATION, AN ACT THAT IS "VAGUE" AT BEST CONCERNING "INDIGENT" PETITIONERS, AND THEIR RIGHT PF ACCESS TO THE COURTS....

L: THE 9th CIRCUIT HAS BY IMPLICATION DECLARED AN ACT) OF CONGRESS TO BE UNCONSTITUTIONAL....

(v11). CONCLUSION OF WRIT FOR MANDAMUS

NEVER BEDEVILED BY MY PROBLEMS, I SEEK TO OVERCOME THEM, BUT TODAY I BRING THE
COURT OF ALL AUTHORITY THE MIGHTY U.S. SUPREME COURT, A VEXING PROBLEM.
THE PROBLEM IS THIS, CAN THE 9th CIRCUIT BAR THE DOOR TO ME ON "ALL" PAST, AND
"FUTURE" FILINGS INTO THEIR COURT SEEKING A WRIT OF ANY KIND, OR TYPE.?????

DEMOS CONTENTS THAT THE ORDER OF THE 9th CIRCUIT ENTERED IN U.S.C.A. CASE NO. 90-80100;
CONFLICTS WITH, MATIAS VS. OSHIRO, 683 F. 2D 318;

WILL THE U.S. SUPREME COURT RESOLVE THIS "OPEN CONFLICT" ONCE AND FOR ALL????

CONCLUSION/PART. 11

IT HAS BEEN SAID THAT THE 9th CIRCUIT IS THE MOST LIBERAL COURT IN THE COUNTRY OF ALL THE FELLOW CIRCUIT COURTS, AND THAT THE D.C. CIRCUIT COURT IS THE MOST "POWERFUL", IN TERMS OF "INFLUENCE" AMONGST IT'S PEERS.

I AGREE, THE 9th CIRCUIT IS A "FAMED" COURT, BUT THE 9th CIRCUIT DID ITSELF NO "PRIDE" IN ISSUING THE ORDER IT ENTERED ON 2/7/91....

FIRST AND FOREMOST THE ORDER DENIGRATES, AND TAKES AWAY FROM THE VAUNTED "LIBERAL" REPUTATION OF THE 9th CIRCUIT, AND SITS IN SQUARELY IN THE MIDDLE OF THE "CONSERVATIVE" CAMP, THE ORDER THREATENS TO STRIP AWAY WHAT LITTLE ~~RICHES~~ THE POOR AND INDIGENT AND DESTITUTE OF THIS COUNTRY HAVE...

UNLESS, I CAN PAY THE COURT COSTS, I WILL FOREVER BE BARRED FROM FUTURE FILINGS INTO THE 9th CIRCUIT BY WAY OF THE GREAT WRIT.. IT MAKES ME WONDER WHAT IS THE SOLDIERS DOING FIGHTING FOR THIS COUNTRY OVER IN THE MIDDLE EAST, A LOT OF OUR SOLDIERS WHO ARE FIGHTING FOR DEMOCRACY AND THE GREAT AND NOBLE LIFE THAT WE HERE IN AMERICA ARE ACCUSTOMED TO, ARE THEMSELVES "PAUPERS", AND FROM POOR HOMES, AND FAMILIES, AND SHOULD THEY FALL SHORT OF THE LAW, AND COME TO JAIL, OR PRISON WOULD BE PRIVY TO THE SAME TYPE OF ORDER THAT I JOHN DEMOS AM FACED WITH TODAY.....

WOULD THE 9th CIRCUIT COURT OF APPEALS DENY A WRIT TO A U.S. SOLDIER WHO HAD SERVED HIS COUNTRY FAITHFULLY, AND HAD WON MEDALS IN DEFENSE OF HIS COUNTRY MERELY BECAUSE THE U.S. SOLDIER IN QUESTION WAS INDIGENT, OR WAS SHORT OF MAKING, OR BEING ABLE TO PAY THE FILING FEE BY ABOUT \$1.00 OR 50¢????

/s/


JOHN ROBERT DEMOS JR

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

AFF'DAVIT
OF
SERVICE BY MAILING

I, the undersigned, being first duly sworn, upon oath, do hereby depose and say;

That I am a citizen of the UNITED STATES, and competent to be a witness therein;

That on the 25th day of FEBRUARY 1991, I deposited in the United States Mail, postage prepaid, addressed as follows;

THE HON. KENNETH STARR
UNITED STATES SOLICITOR GENERAL
THE UNITED STATES JUSTICE DEPARTMENT
10th & CONSTITUTION AVENUE N.W.
WASHINGTON, D.C.

(20530)

&

KENNETH EIKENBERRY
STATE ATTORNEY GENERAL
HIGHWAY LICENSES BUILDING---12th & WASHINGTON STREET
OLYMPIA, WASHINGTON.

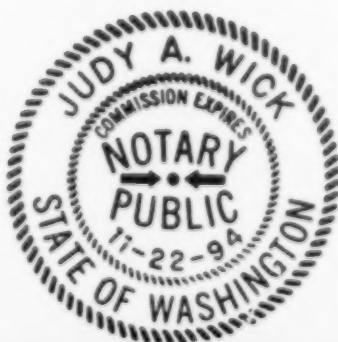
Copies of the following documents; (98504)

(1) WRIT OF MANDAMUS & ACCOMPANYING EXHIBITS;

State of Washington)

County of Snohomish)

Sworn and Subscribed to, this 25 day of Feb 1991



Judy A. Wick
Notary Public, in and for the
State of Washington, residing
at Wenatche

Exhibit A

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHN ROBERT DEMOS, JR.,
Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
WASHINGTON,

Respondent.

No. 90-80100
Eastern Washington
(Spokane)

JOHN ROBERT DEMOS, JR.,
Petitioner,

v.

STATE COURT OF APPEALS FOR THE
STATE OF WASHINGTON; SUPREME
COURT OF THE STATE OF CALIFORNIA,

Respondents.

No. 90-80318
Eastern Washington
(Spokane)

JOHN ROBERT DEMOS, JR.,
Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
WASHINGTON,
Respondent.

No. 90-80322

D.C. No.

CV-89-785-AAM
Eastern Washington
(Spokane)

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

SUPREME COURT OF THE STATE OF
WASHINGTON, et al.,
Respondents

No. 90-80323

Eastern Washington
(Spokane)

JOHN ROBERT DEMOS, JR.,
Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
WASHINGTON,
Respondent

No. 90-80337

Eastern Washington
(Spokane)

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

THE STATE SUPREME COURT OF THE
STATE OF WASHINGTON,
Respondent.

No. 90-80343

Eastern Washington
(Spokane)

1

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

STATE COURT OF APPEALS FOR THE
STATE OF WASHINGTON,
Respondent.

No. 90-80344

Eastern Washington
(Spokane)

ORDER

Filed February 7, 1991

Before: James R. Browning, Harry Pregerson and
John T. Noonan, Jr., Circuit Judges.

COUNSEL

John Robert Demos, pro se, Monroe, Washington, for the
petitioner.

No appearance for the respondents

ORDER

In each of these seven actions, petitioner John Robert Demos, proceeding pro se, seeks a writ of mandamus to compel the United States District Courts for the Western and Eastern Districts of Washington, the Washington Court of Appeals, and the Washington Supreme Court, to accept his papers for filing. Demos has not submitted the filing fee with any of these petitions. Because Demos has abused the privilege of filing actions in forma pauperis in this court, we order the Clerk of this court to return the papers in each of these seven actions to Demos without filing.

During 1990, Demos submitted at least 24 sets of papers to this court including the seven currently before the court. The remaining seventeen (including documents entitled as petitions for writ of mandamus, writ of prohibition, writ of certiorari, requests for certificates of probable cause, original petitions for writ of habeas corpus, motions to compel and "orders to show cause") have been denied summarily without calling for a response from the respondent or the real party in interest.¹ All have been denied after first ordering the papers filed without prepayment of fees. More significant, all of the petitions have been legally frivolous. *See Franklin v. Murphy*, 745 F.2d 1221, 1227 (9th Cir. 1984).

Demos is a prolific litigant. *See Demos v. Ambulacare*, 563 F. Supp. 30 (E.D. Wash. 1982). His last 24 petitions have generally concerned the alleged refusal of the United States District Courts for both the Eastern and Western Districts of Washington, the Washington Court of Appeals and the Washington Supreme Court to accept his numerous and voluminous filings in forma pauperis. We note that the district courts in both the Eastern and Western District of Washington have entered standing orders against Demos, under which he must comply with certain prerequisites before being permitted to file actions in forma pauperis.² Because Demos did not appeal from the standing orders, they have become final.³ *See Hertz v. City of Richmond*, 895 F.2d 1267, 1271 (9th Cir. 1990). However, Demos regularly attempts to file papers in district court (and apparently in state court too) without complying with the requirements of the standing orders, then files a peti-

¹ Most of the documents have been construed as petitions for writs of mandamus. For want of a better term, we refer to Demos' filings as petitions throughout this order.

² We have no record of any action taken by the Washington courts.

³ We further note that mandamus may not be used as a substitute for an untimely notice of appeal. *Cf. Compania Mercanaria de Venezuela v. United States District Court*, 859 F.2d 1354, 1357-58 (9th Cir. 1988); *Clayton v. United States District Court*, 779 F.2d 517, 519 (9th Cir. 1985).

tion here to attempt to compel the district court or state court to accept his complaints for filing without the payment of fees. As previously stated, no petition has been granted to date.

On December 19, 1990, we ordered Demos to show cause why he should not be barred from filing further petitions seeking extraordinary writs in forma pauperis. See *Dy-Lang v. Hennersey*, 912 F.2d 1144 (9th Cir. 1990) (petitioner must be granted notice and opportunity to be heard prior to the entry of a standing order in district court), *cert denied*, 111 S.Ct. 562 (1990). His response contains general and conclusory allegations regarding the United States District Courts', and the Washington state courts' derelictions, especially their issuance of what he refers to as nonappealable and prejudicial orders unsupported by reasons and law. Demos' response utterly fails to show that he has not abused the privilege of filing petitions in forma pauperis.

This court has the inherent power to restrict a litigant's ability to commence abusive litigation in forma pauperis. *In re McDonald*, 489 U.S. 180 (1989)(per curiam); *Visser v. Supreme Court*, Nos. 90-70561, 90-70562, 90-70563, 90-70576, slip op. 14515 (9th Cir. Nov. 23, 1990). In consideration of Demos' history, we hold that he has abused the privilege of filing petitions in forma pauperis in this court. We therefore conclude that it is appropriate at this juncture to bar the filing of any new petitions seeking extraordinary writs pursuant to 28 U.S.C. §§ 1651, 2251, or 2254 directed at the United States District Courts for the Eastern and Western Districts of Washington. See *In re McDonald*, 489 U.S. 180; *Visser v. Supreme Court*, slip op. at 14516; *O'Loughlin v. Doe*, No. 89-35755 slip op. 15193 (9th Cir. Dec. 12, 1990).

We further note that this court lacks jurisdiction to issue a writ of mandamus to a state court. See 28 U.S.C. § 1651. Thus, to the extent that Demos attempts to obtain a writ in

this court to compel a state court to take or refrain from some action, the petitions are frivolous as a matter of law.

Therefore, the clerk is directed to return to Demos any petition seeking an extraordinary writ or directed toward the United States District Courts for the Eastern and Western Districts of Washington unless, of course, the petition is accompanied by the \$100.00 filing fee. The Clerk is further directed to return any petition that seeks to compel the Washington state courts to take or refrain from some action for filing unless accompanied by the \$100.00 filing fee.

Exhibits

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

AREA CODE 202
479-3011

February 12, 1991

Kenneth O. Eikenberry, Esquire
Attorney General of Washington
Highways-Licenses Bldg, 9871
Olympia, WA 98504

Re: 90-6655 - Demos, John R.
v. Gardner, Booth, et al.

Dear Mr. Eikenberry:

On December 26, 1990, a petition for a writ of certiorari in the above case was filed in this Court to review an order of the United States Court of Appeals for the Ninth Circuit (No. 90-80237), dated December 14, 1990. Our records indicate that you were served with a copy of the petition.

The Court has directed this office to request that a response be filed in this case. Ten typewritten or otherwise reproduced copies of your response, together with proof of service thereof, should reach this office on or before March 14, 1991.

Kindly acknowledge receipt of this letter on the enclosed copy.

Very truly yours,

William K. Suter
Clerk

cc: John Robert Demos Jr., Esquire ✓

DEPA

STATE OF WASHINGTON
DEPT. OF SOCIAL AND HEALTH
ADULT CORRECTIONS DIVISION
ADULT PROBATION AND PAROLE

ES

Exhibits

Ad

REPORT TO	The Board	DATE	6-15-78
NAME	DEMOS, John	NUMBER	360819
CRIME	Attempted Robbery, ct. I; Assault, 2nd Deg.	SENTENCE	10 yrs.
DATE OF SENTENCE OR PAROLE	12-5-77	TERMINATION DATE	12-2-84
PRESENT LOCATION	King County Jail Seattle, Wash.	STATUS	Suspended

TYPE OF REPORT

SUPPLEMENTAL

PREVIOUS ACTION:

On 1-10-78, an Order of Parole Suspension, Arrest, and Detention was issued in order to detain Mr. Demos in the King County Jail. On that same date, he was served with the Violations Specified, Rights and Waivers.

On 1-24-78, a Violation Report was submitted, charging John Demos with menacing, by threats to kill, Ms. Margaret G. Sutthoff on 12-8-77 in the ladies' restroom on the 6th floor of the downtown Y.M.C.A., 909 Fourth Avenue, Seattle, Washington; and attempting to rape Ms. Patricia A. Bush at 1431 Minor Avenue, Apt. #608, Seattle, Washington, on 1-5-78. It was recommended in that report that the parole granted Demos be revoked.

SUBSEQUENT DEVELOPMENTS:

In the Violation Report dated 1-24-78, it was reported that with regards to Violation #2, Mr. Demos had been charged in King County Superior Court with Attempted Rape in the First Degree, ct. I; and Burglary in the First Degree, ct. II, under K.C. cause #34717. On 4-11-78, Mr. Demos was found guilty by jury on both counts. On 6-9-78, Mr. Demos appeared before the Honorable George H. Revelle and was sentenced to ten years on the Attempted Rape in the First Degree, and Life Imprisonment on the Burglary, First Degree, to run concurrently.

Upon being found guilty, however, prior to being sentenced, Mr. Demos sent the following letter to Judge Revelle:

"In your Courtroom, I did not receive justice: it was a charade, a farce, enacted out on the stage of jurisprudence by buffoons.

"During my trial, you and the jury continually dosed off into sleep that, in effect, sealed my guilt.

"I am a Muslim: I am proud to be so honored. I refuse to give you the honor of sentencing me to a crime I don't know anything about.

"As for my attorney, he is a puppet of the system, too.

"But I smile at your folly, for you are doomed to fail.

6-15-78

SUBSEQUENT DEVELOPMENTS (cont.):

"You call yourself a judge, that is a title you should throw away. If you are a judge, then I am the devil.

"I am not here to rock you, just to let you know, that justice is crying in the streets; she is a widow."

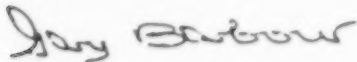
I believe this letter is quite indicative of Mr. Demos' bizarre thinking patterns, and emotional instability.

Upon being sentenced, Mr. Demos reconsidered the parole violations and admitted to Violation #1, and waived his right to an on-site hearing. Mr. Demos signed the Violations Specified and opportunity to waive parole revocation hearings on 6-13-78.

RECOMMENDATION:

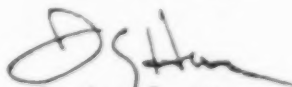
In view of the fact that Mr. Demos has been sentenced in King County Superior Court to an institutional commitment, as well, Mr. Demos has signed a Waiver of On-Site Hearing, I therefore recommend that the parole granted John Robert Demos be revoked.

APPROVED:



Gary Barbour,
Supervisor

Submitted by,



Irving I. Hara,
Probation & Parole Officer
918 Smith Tower
Seattle, Washington 98104
464-7950

IIH:kw
6-15-78
6-15-78

Orig: Board

cc: AG
cc: Central
cc: Ad File —
cc: File
cc: Probation Intake

I. INTRODUCTION

Demos, also known as Anwarr Shabazz, is a 25 year old, Muslim, single, black male, committed from King County for the offenses of Attempted Rape in the First Degree, Count I and Burglary in the First Degree, Count II, Cause #84717. Originally, he was paroled from the Penitentiary on 12/5/77. He was arrested for the instant offense of 1/11/78.

II. PRIOR INSTITUTIONAL ADJUSTMENT

1/29/75 - 12/5/77 Washington State Penitentiary Attempted Robbery, Count I;
Assault Second Degree With Intent
To Commit A Felony-Rape

While at the Penitentiary, his adjustment was considered satisfactory. He did receive one 555 for stealing food. His program consisted of working in the steward's department, the SAM Program (laundry) and college full-time. He was also the secretary for the Seeker's Club which is a self help therapy program. On 5/4/76 however, he was placed in protective custody because the problems with his peers due to his Muslim religion. He was paroled from 5-Wing protective custody unit.

He was also convicted of an assault and confined at the Michigan Training Unit on December 11, 1972 until he escaped a short time later. He was returned on 1/17/73 and transferred to the psychological clinic at the state prison of southern Michigan, on January 23, 1973. He was paroled from the Michigan State Prison on 1/1/74. From 11/14/74 until 11/21/74 he was committed to the Western State Hospital for evaluation purposes. It was determined that he was not a sexual psychopath but a criminal psychopath.

III. ESSENTIAL ADDENDA

The Presentence Investigation Report, Supplemental Report, and Violation Report are adequate.

IV. EVALUATION

As can be seen, Demos was on parole approximately five weeks before he was arrested for the instant offense. The instant offense is closely related to his past criminal activities. He considers himself a Muslim and he indicates that he has been traveling east, west, and back again looking for the man with the little white dog. It appears that Demos is a very unstable individual and his prognosis for parole can be seen as very poor. No doubt, when he returns to the Penitentiary, he will again have problems because of his religion. He also can be seen as a security risk.

V. RECOMMENDATIONS

It is recommended that Demos be classified for the Washington State Penitentiary and placed into a program to be determined by that institution. As indicated, due to his religious beliefs, he may have to be placed into protective custody. It is further recommended that he be referred for periodic psychological counseling. It is further recommended that this individual not be considered for minimum custody nor a minimum custody facility. A 10 year and life sentence has been recommended, this interviewer concurs.

VI. ATTACHMENTS

Commitment Intake Form	Presentence Investigation Report	<i>Frank Osborne</i>
Presentence Intake Forms	Inmate's Version/Medical Report	FRANK OSBORNE,
Supplemental/Violation Reports	Base Expectancy Sheet	SOCIOLOGIST
DEMOS, John Robert	Prosecuting Attorney's Statement	Date dictated: 7/25/78
	360819	FO:mz

DEMOS, John
NO: 360819
JANUARY 14, 1975
SENTENCE

I. FACTS OF OFFENSE

A. Prosecuting Attorney's Statement:

See attached copy of Prosecuting Attorney's Statement.

B. Probation Violation Report:

Not applicable.

C. Resident's Version:

See attached copy of Resident's Version.

II. CRIMINAL HISTORY

A. Juvenile Delinquency Pattern:

As a juvenile, John has been arrested for larceny from a building but was not convicted of that charge. He has also been arrested for aiding and abetting and in violation of a juvenile in curfew for which he received a twenty five dollar fine plus court costs and ten days in jail. The sentence was suspended on April 21, 1970. There is no indication that John was ever removed from the parental home for his delinquent acts.

B. Transcript of Criminal Record:

See attached copy of FBI Transcript of Criminal Record.

C. Adult Institutional Adjustment:

John was convicted of felonious assault and confined at the Michigan Training Unit from December 11, 1972 until his escape a short time later. He was returned on January 17, 1973 and transferred to the psychological clinic at State Prison of Southern Michigan in Jackson, Michigan on January 23, 1973.

During this short period of time that John was confined at the Michigan Training Unit, he worked in the maintenance and grounds care department. He also was enrolled in the vocational welding program for one day.

No other information regarding John's Michigan institutional adjustment is available at time of dictation.

D. Brief Pattern of Criminal Record:

According to the FBI Transcript, John has been arrested for obscene telephone calls, and assault. It is also noted that he has escaped from the Michigan Training Unit and he ran from the traveling guard that brought him to Western State Hospital although he was picked up within three hours. John is considered a high escape risk and is assaultive.

III. PERSONAL HISTORY

A. Family:

According to John, no other members of his family have either been arrested or institutionalized.

<u>Relation and Address</u>	<u>Age</u>	<u>Occupation</u>
Father: John Demos Sr.	Deceased	Deceased
Mother: Katie Whitehead 1154 1/2 Prospect S.E. Grand Rapids, Michigan 49507	41	Laborer

John was raised in Grand Rapids, Michigan by his mother and his grandmother after the death of his father when he was approximately two years old. John states that his family relied upon welfare for their subsistence, although his mother has occasionally held part time work.

John was involved in petty thefts throughout his early childhood and describes himself as always living under the shadow of the law. John also describes himself as looking for a place to fit in, feeling inner turmoil at not successfully adapting.

John states that his mother and his grandmother were members of the Church of God of Christ and attempted to influence him religiously also. However, John questioned God and the condition of the world, asking, "If GOD is a god of love, then how would he allow so much suffering in this world?" His mother and his grandmother could not answer and John turned to the Black Muslim faith in 1969.

When John was asked if he had been raised in a predominantly black area of Grand Rapids and was economically deprived, he answered "Living is a ghetto".

B. Education:

<u>School and Address</u>	<u>Dates Attended</u>	<u>Grade Completed</u>	<u>Reason Left</u>
Charleston School Missouri	1957/1959	3rd	Moved
South Bend School Indiana	1960/1963	6th	Moved
Baldwin School Michigan	1963/1965	9th	Moved
Grand Rapids High School Michigan	1965/1968	12th	Unknown

C. Employment:

In a questionnaire received by John's mother, she states that he has held several jobs but never for a long time. She states that John seems to be restless and didn't like the jobs, and would quit after working a short time.

D. Military:

None.

E. Marital:

None.

F. Religion:

John states that he is a minister for the Nation of Islam and is a member of the Black Muslim faith. John indicates that he plans to organize Black Muslims and meet religiously while institutionalized.

IV. MEDICAL AND PRIOR PSYCHOLOGICAL REPORTS

A. Medical:

See attached green copy of report submitted by F. D. WILDER, M.D.

B. Prior Psychological:

None.

V. VOCATIONAL COUNSELOR'S REPORT

Behavior manifested during 3 days of testing: Sat alone, is polite, pleasant, tended to get lost in thought, presents a sharp intelligence, shows up poorly on timed test due to tending to recheck work without rushing. Low I.Q. is inaccurate due to recheck habit.

Recommendations: College - Muslem Religion

Vocational/Occupational Recommendations: Barber (102)
Clothing Plant (302)
Medical Tech (436) Primary Interest

Comments: John states that he has 16 months (BA) and 2½ months of graduate studies. He wants a follow up in Muslem ministry training as a supplement to his BA in history. He plans to teach the elite of F.O.I. (Followers of Islam).

VI. EVALUATIONS, SPECIAL PROBLEMS, DIAGNOSIS AND RECOMMENDATIONS

John is a 22 year old militant Black Muslim who states that he desires to "organize" the Penitentiary. He describes himself as a very religious man who is dedicated to the Islamic faith and believes that it is his mission to organize the black people prior to over-ruling the world.

John has stated "I have a mission in life. To signal time to the people in Penitentiaries and in ghettos and signal them that the time is near and about to take shape. The blacks will now really rule the world. The white race is going to be destroyed and another is going to have eternal bliss."

VI. EVALUATIONS, SPECIAL PROBLEMS, DIAGNOSIS AND RECOMMENDATIONS (Continued)

John also relates that he became an ^{entered} apprentice when he was seventeen years old. He explained that he did not start DeMolay, but began his apprenticeship in Prince Hall Masonry, in which he was active for approximately three years. During this time John states that he became a 33rd degree mason. He quickly explained that in the United States the 33rd degree is as high as a mason can become, but that in Africa one can become a 44th or 45th degree mason. John states that he was a mason for a number of years to gain information regarding white supremacy. He also explained that he had the advantage of also being a black Muslim and came to understand that the white masons were actually the devil. John explained that the black supremacy must unite, to overrule and stamp out all of masons the world over, as they have corrupted the blacks and perpetrated more atrocities upon them than any other people in history which has also been the result of all of society's problem.

John offered a bit of information regarding early black history and states that the American Indians and Europeans were exiled from paradise for breaking Islamic laws and sent to the Garden of Eden to the wilderness where they reverted to animals and crept on all fours. Then about two thousand years ago, Moses led the people out of the wilderness and attempted to teach the men to stand up on their hind legs. Because they could not do this, Moses tied men to trees to strengthen their backs. This is John's explanation of why those of the Islamic faith do not eat pork.

John states that he ^{is} at peace with himself and feels superior over all of the other prison inmates because he knows that Allah has placed him in prison to suffer before he can know the glory of eternity. He also forcefully explained that the black people would soon inherit the earth and rule over the white men. John stated, "I say this without impunity or malice".

John is extremely supercilious, arrogant, pompous, conceited and grandiose. He describes himself as fearless and cunning and dangerous, stating that any fool knows that those persons who are the most dangerous are those who profess to be unafraid of death. John is a pseudo-intellectual and spouts 25¢ words inappropriately in such a fashion as to be comical. It is certain that John is convinced of his religious dedication and it is quite conceivable that an uneducated and ignorant man might stand in awe of John.

John's mother believes that John is mentally ill and in need of psychiatric treatment.

It is recommended that John be referred to the Washington State Penitentiary at Walla Walla. It is also recommended that John be psychologically monitored periodically and not released from prison until psychologically cleared. It should also be noted that there is a parole violation warrant dated September 6, 1974 filed against John as a detainer for his return to Michigan after he has served his term for the instant offense.

Dictated by DEE DOYLE, SOCIOLOGIST
January 13, 1975

VII. VERIFICATIONS

<u>Type</u>	<u>Name</u>	<u>Date Sent</u>	<u>Date Received</u>
Attorney	David Crossland	12-18-74	Not Received
DEMOS, John	NO: 360819	DD/ts	Page 7



GRAND COLLEGE DES RITES

Supreme Council of the Sons of Haiti of the United States of America, Inc.

Gr. Cr. De. Bremerton, Washington

R. E. A. et al.

Salut Force Union

Sovereign Grand Inspector General of Ancient and Accepted Scottish Rite of Free Masons

THIRTY-THIRD AND LAST DEGREE

In and for the United States of America



ILL. B. JOHN R. BULLOCK, 33°
Minor Potentate Sovereign Gr. Commander
P. O. Box 3344 Phone (206) 334-1479
Seattle, Washington 98104



ILL. B. RICCI M. RICARDO 33/95
Potentate Laureate Grand Commander
P. O. Box 3348
Seattle, WA 98104

BRO. JOHN R. DEMOS
P.O. Box 777
Monroe, Washington 98272

Dear Brother:

It was good to hear from you. I, am sure you will be going home as you say. When I, first write letter when you was in WALLA, WALLA., they move you out very fast to get you away from the News Peoples, etc.

So I, did te same thing over again. And there is one thing that a RECACES don,t want and that is to be showed up before the world.

They told me that you was to go before the board in 1990. But with the letter writing from so many News Papers and Organization. It made you go two years earlier. And thank God for that. Your Mother will be glad to see you agan after being away so long.

I, hope you will send a thank you card to the following who are the real cause you are geting out at this time. and they are as follows:

1. Trouble Shooter
Seattle Times News Paper
Fairview Ave, No. & John St
Seattle, Washington 98109
2. Action
Post-Intelligencer News Paper
6th Avenue & Wall Street
Seattle, Washington 98121
3. AMERICAN CIVIL LIBERTIES UNION
Smith Tower Bldg
2nd Avenue & Yesler Way
Seattle, Washington 98104
4. Seattle Community Action Programs
c/o Seattle Bar Association
810 - 3rd Avenue
Seattle, Washington 98104
5. National Association for the
Advancement of Color Peoples
105 - 14th Avenue
Seattle, Washington 98122
6. LOUISVILLE DEFENDER NEWS PAPER
P.O. BOX 1558
Louisville, Ky 40201
7. NATIONAL LAWYERS GUILD
Smith Tower Bldg
Second Avenue & Yesler Way
Seattle, Washington 98104
8. THE FACTS NEWS PAPER
2765 East Cherry Street
Seattle, Washington 98122
9. THE MEDIUM NEWS PAPER
2600 South Jackson Street
Seattle, Washington 98144
10. PEOPLES WORLD-NORTHWEST BUREAU
1408 - 18th Avenue
Seattle, Washington 98122
11. THE SOUTHERN POVERTY LAW CENTER
1001 Hull Street South
Montgomery, Alabama 36104
12. NATIONAL BLACK LAWYERS CONFERENCE
P.O. BOX 675
Seattle, Washington 98111
13. NATIONAL PRISON PROJECT
1346 Connecticut Avenue, N.W. Suite 402
Washington, D.C. 20036

To All Sovereign Grand Commanders
 To All Supreme Grand Masters:
 To All State Grand Masters.
 To All Worshipful Masters and To Whom This May Concern:

Listed below you will find Copies of our Masonic Charters which our Masonic Jurisdiction work under. Which is the only Black Masonic Jurisdiction working in the United States and Canada with such Masonic Charters.

We Welcome all men age 21 or older of all Nationality to Membership in our Masonic Jurisdiction of the United States and Canada.

WHERE WE GET OUR AUTHORITY:

Read Encyclopida of Freemasonry, by Albert G. Mackey 33o and William J. Hagan 32o Volume 1, A-L Published by Masonic History Company, Chicago, New York-London, in the Year of 1924. In 1809, The Grand Lodge of England granted a Charter at Port-au-Prince, Haiti and one at Cayes. In 1817 it Constituted two others at Jacmel and Jermias, Subsequently a Provincial Grand Lodge was established under the obedience to England. On January 25, 1825 this Provincial Grand Lodge declared its Independence and Organised the Grand Orient of Haiti which still exists to this date.

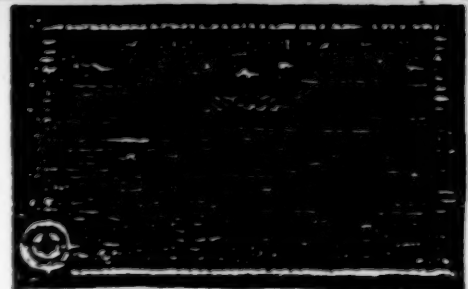
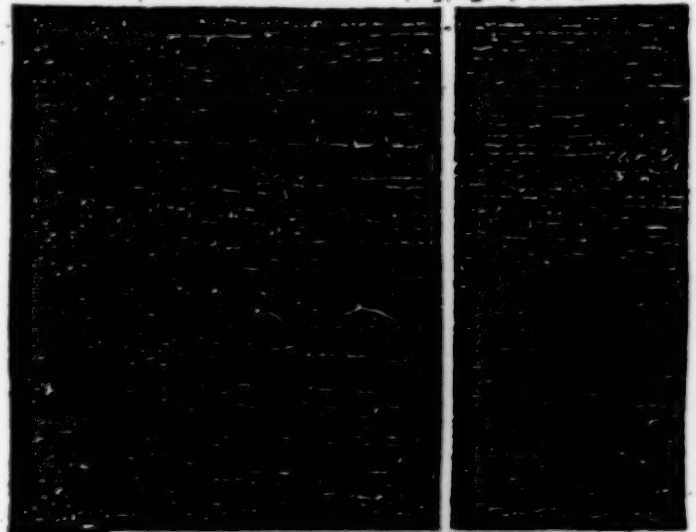
LOUISIANA. Our Chartered rights stem from the Original Charter granted by Mother Lodge at Marseille, France to POLAR STAR LODGE, in New Orleans, La in 1793, and later in 1804 from the Charter granted the same lodge by the Grand Orient of France. The Grand Lodge of Louisiana was formed on July 11, 1812, at which POLAR STAR LODGE NO 4263 was a member with four others. The Supreme Council of Louisiana was formed on October 17, 1839 and still exist to this date. Present Address: 3200 St. Bernard Avenue, New Orleans, Louisiana 70119. Phone: (504) 945-2966. From which Evergreen State Lodge No 119 was Chartered in the State of Washington. They received Dispensation September 1, 1961. Six Months Later received full Charter in March 1962. Evergreen Lodge united with Sons of Haiti Lodge No 2, in Pasco, Washington, and Larado Lodge No 68, of Seattle, Washington. The three Lodges formed the Most Worshipful Sons of Haiti Grand Lodge of the State of Washington. Below are Copies and Actions from the Grand Bodies from which came the Sons of Haiti Grand Lodge A.:F.:A.:A.:M.: of the State of Washington.

French Charter from the Grand Orient of France

SPECIAL NOTICE: All Masonic Lodges or Masonic Jurisdictions operating with out such Charters are what we call BOGUS, CLINDESTINE, and are not Recognised Masonic Lodges or Masonic Jurisdictions among the Regular Masons through out the World.

All Men of all Religions faiths are Welcome to Membership in this Order. No Person will be rejected because of his Religious faith.


Mexican Grand Lodge Charter of the U.S.A.



Haitien Charter from the Grand Orient of Haiti

All Masonic Jurisdictions with out Masonic Charters Seeking Membership in this Jurisdiction Should Contact the Most Powerful Sovereign Grand Commander. P.O. Box 3244, Seattle, Washington, 98104. Office Phone: (206) 324-1479. or Home: (206) 722-1971.

A L G O A D U
 OFFICE PHONE: (206) 324-1479
 HOME PHONE: (206) 722-1971



Haitian Federation of Masons, USA
 ORGANIZERS WANTED FOR INFORMATION WRITE OR CALL
 ILL. JOHN R. BULLOCK 33°/98°
 B.T.H.D.R.H.D. M.S.D.D.
 MOST POWERFUL SOVEREIGN GRAND COMMANDER
 P.O. BOX 3244 SEATTLE WASHINGTON 98104
 OR
 MASONIC TEMPLE 153 - 14TH AVE. SEATTLE WA 98122

SUPREME COURT OF THE UNITED STATES

IN RE JOHN ROBERT DEMOS, JR.

90-7225

ON PETITION FOR WRIT OF HABEAS CORPUS

JOHN ROBERT DEMOS, JR.

90-7226

v.

UNITED STATES DISTRICT COURT FOR THE EAST-
ERN DISTRICT OF WASHINGTON ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

IN RE JOHN ROBERT DEMOS, JR.

90-7296

ON PETITION FOR WRIT OF MANDAMUS

Nos. 90-7225, 90-7226 AND 90-7296. Decided April 29, 1991

PER CURIAM.

Petitioner has filed a petition for a writ of certiorari, No. 90-7226, a petition for a writ of habeas corpus, No. 90-7225, and a petition for a writ of mandamus, No. 90-7296, all seeking relief from a single order of a lower court, which in turn denied petitioner leave to proceed *in forma pauperis* and barred petitioner from making further *in forma pauperis* filings seeking certain extraordinary writs. We deny the petition for a writ of certiorari in No. 90-7226.

Petitioner has made 32 *in forma pauperis* filings in this Court since the beginning of the October 1988 Term, many of which challenge sanctions imposed by lower courts in response to petitioner's frivolous filings. Petitioner's method of seeking relief here—filing three petitions for relief from a single order of a lower court—could only be calculated to disrupt the orderly consideration of cases. Petitioner has abused the system, and we find it appropriate to deny leave to proceed *in forma pauperis* to petitioner in these two peti-

tions for extraordinary relief, Nos. 90-7225 and 90-7296, and in all future petitions for extraordinary relief. See *In re Sindram*, — U. S. — (No. 90-6051, January 7, 1991); *In re McDonald*, 489 U. S. 180 (1989).

If petitioner wishes to have one or both of these petitions considered on its merits, he must pay the docketing fee required by Rule 38(a) and submit a petition in compliance with Rule 33 of the Rules of this Court before May 20, 1991. The Clerk is directed not to accept any further petitions from petitioner for extraordinary writs unless he pays the docketing fee required by Rule 38(a) and submits his petition in compliance with Rule 33. Petitioner remains free under the present order to file *in forma pauperis* requests for relief other than an extraordinary writ, if he qualifies under this Court's Rule 39 and does not similarly abuse that privilege.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

IN RE JOHN ROBERT DEMOS, JR.

90-7225

ON PETITION FOR WRIT OF HABEAS CORPUS

IN RE JOHN ROBERT DEMOS, JR.

90-7296

ON PETITION FOR WRIT OF MANDAMUS

Nos. 90-7225 AND 90-7296. Decided April 29, 1991

JUSTICE MARSHALL, with whom JUSTICE BLACKMUN and JUSTICE STEVENS join, dissenting.

Today, this Court blacklists another indigent *pro se* litigant. The order issued today, which bars future *in forma pauperis* filings for extraordinary writs by John Demos and hints that restrictions on other filings by Demos might be forthcoming, marks the third such proscription the Court has initiated in the last two years. See *In re Sindram*, — U. S. — (1991); *In re McDonald*, 489 U. S. 180 (1989). Yet, as in *Sindram* and *McDonald*, the Court fails to identify any statute or rule giving it the extraordinary authority to impose a permanent ban on an indigent litigant's *in forma pauperis* filings. Nor does the Court satisfactorily explain why it has singled out an indigent litigant for having lodged frivolous filings when paying litigants often are guilty of the same sin.

I continue to oppose this Court's unseemly practice of banning *in forma pauperis* filings by indigent litigants. See *In re Sindram*, *supra*, at — (1991) (MARSHALL, J., dissenting); *In re McDonald*, *supra*, at 185 (1989) (Brennan, J. dissenting, joined by MARSHALL, BLACKMUN, and STEVENS, JJ.). As I have argued, the Court's assessment of the disruption that an overly energetic litigant like Demos poses to "the orderly consideration of cases," *ante*, at 1, is greatly exaggerated. See *In re Sindram*, *supra*, at — (dissenting

opinion). The Court is sorely mistaken if it believes that the solution to the problem of a crowded docket is to crack down on a litigant like Demos.

Two years ago, Justice Brennan sagely warned that in "needless[ly] depart[ing] from its generous tradition" of leaving its doors open to all classes of litigants, the Court "sets sail on a journey whose landing point is uncertain." *In re McDonald, supra*, at 188 (dissenting opinion). The journey's ominous destination is becoming apparent. The Court appears resolved to close its doors to increasing numbers of indigent litigants—and for increasingly less justifiable reasons.* I fear that the Court's action today portends even more draconian restrictions on the access of indigent litigants to this Court.

In closing its doors today to another indigent litigant, the Court moves ever closer to the day when it leaves an indigent litigant with a meritorious claim out in the cold. And with each barrier that it places in the way of indigent litigants, and with each instance in which it castigates such litigants for having "abused the system," *ante*, at 1, the Court can only reinforce in the hearts and minds of our society's less fortu-

*Indeed, the ban the Court imposes on Demos' *in forma pauperis* filings for extraordinary writs seems particularly unjustifiable. The Court makes much of the fact that Demos has made 32 *in forma pauperis* filings since 1988. Yet, according to the records of the Clerk of the Court, only four of those filings have been for extraordinary writs, the sole subject of the ban announced today. It cannot be seriously contended that these four filings in the last three years have so disrupted the orderly administration of this Court's business as to require barring any such future filings. More likely, the Court's ban on Demos' *in forma pauperis* requests for extraordinary writs is but a poorly disguised penalty for his more numerous petitions for certiorari. See also *In re Sindram*, — U. S. —, — (1991) (BLACKMUN, J., dissenting, joined by MARSHALL, J.) (noting that Court's ban upon petitioner's *in forma pauperis* filings for extraordinary relief "appears to be nothing more than an alternative for punishing [petitioner] for the frequency with which he has filed petitions for certiorari and petitions for rehearing").

nate members the unsettling message that their pleas are not welcome here.

I dissent.